

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**CELLULAR COMMUNICATIONS
EQUIPMENT LLC,**

Plaintiff,

V.

HTC CORPORATION, ET AL.,

Defendants.

Case No. 6:16-cv-363-KNM
(Lead Case)

JURY TRIAL DEMANDED

P.R. 4-3 JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Pursuant to P.R. 4-3 and the Court’s Docket Control Order (Dkt. No. 37), Plaintiff Cellular Communications Equipment LLC (“Plaintiff” or “CCE”) and Defendants HTC Corporation, HTC America, Inc., Exedea, Inc., ZTE Corporation, ZTE USA Inc., and ZTE Solutions, Inc. (collectively, “Defendants” and together with Plaintiff, the “Parties”) file this joint claim construction and prehearing statement.

Pursuant to P.R. 4-3, the Parties provide the following:

(A) The construction of those claim terms, phrases, or clauses on which the parties agree;

The Parties identified two claim terms for construction, both found within U.S. Patent No. 7,218,923 (the “8,923 patent”): “diverting unit” (claim 24) and “controlling entity” (claims 24, 26). The Parties do not agree to the construction of either claim term.

(B) Each party's proposed construction of each disputed claim term, phrase, or clause,

together with an identification of all references from the specification or prosecution history that support that construction, and an identification of any extrinsic evidence known to the party on which it intends to rely either to support its proposed

construction of the claim or to oppose any other party's proposed construction of the claim, including, but not limited to, as permitted by law, dictionary definitions, citations to learned treatises and prior art, and testimony of percipient and expert witnesses;

Plaintiff's identification of proposed constructions and supporting evidence is attached hereto as Exhibit A.

Defendants' identification of proposed constructions and supporting evidence is attached hereto as Exhibit B.

(C) The anticipated length of time necessary for the Claim Construction Hearing;

The Parties anticipate 1 hour as the total length of time necessary for the claim construction hearing.

(D) Whether any party proposes to call one or more witnesses, including experts, at the Claim Construction Hearing, the identity of each such witness, and for each expert, a summary of each opinion to be offered in sufficient detail to permit a meaningful deposition of that expert;

At this time, the parties do not intend to call any witnesses at the claim construction hearing.

(E) A list of any other issues which might appropriately be taken up at a prehearing conference prior to the Claim Construction Hearing, and proposed dates, if not previously set, for any such prehearing conference.

At this time, the parties have no issues that might appropriately be taken up at a prehearing conference prior to the Claim Construction Hearing.

Dated: February 2, 2016

Respectfully submitted,

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| <p>By: <u>/s/ Jeffrey R. Bragalone</u> Jeffrey R. Bragalone (lead attorney) Texas Bar No. 02855775 Terry A. Saad Texas Bar No. 24066015 Jonathan H. Rastegar Texas Bar No. 24064043 Jerry D. Tice, II Texas Bar No. 24093263 BRAGALONE CONROY PC 2200 Ross Avenue Suite 4500W Dallas, TX 75201 Tel: (214) 785-6670 Fax: (214) 785-6680 jbragalone@bcpc-law.com tsaad@bcpc-law.com jrastegar@bcpc-law.com jtice@bcpc-law.com</p> <p>T. John Ward, Jr. Texas State Bar No. 00794818 J. Wesley Hill Texas State Bar No. 24032294 Claire Abernathy Henry Texas State Bar No. 24053063 WARD, SMITH, & HILL PLLC P.O. Box 1231 1127 Judson Rd. Ste. 220 Longview, Texas 75606-1231 (903) 757-6400 (903) 757-2323 (fax) jw@jwfirm.com wh@wsfirm.com claire@wsfirm.com</p> <p>Attorneys for Plaintiff CELLULAR COMMUNICATIONS EQUIPMENT LLC</p> | <p>By: <u>/s/ Nicole S. Cunningham</u> Steven A. Moore (232114) steve.moore@pillsburylaw.com Callie A. Bjurstrom (137816) callie.bjurstrom@pillsburylaw.com Nicole S. Cunningham (234390) nicole.cunningham@pillsburylaw.com PILLSBURY WINTHROP SHAW PITTMAN LLP 501 West Broadway, Suite 1100 San Diego, CA 92101 Phone: 619.544.3119 Fax: 619-236-1995</p> <p><i>Attorneys for Defendants HTC Corporation, HTC America, Inc., Exedea, Inc., ZTE Corporation, ZTE USA Inc., and ZTE Solutions, Inc.</i></p> |
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on this 2nd day of February, 2018. As of this date all counsel of record have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

/s/ Jeffrey R. Bragalone
Jeffrey R. Bragalone